

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS, Inc.,  
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD.,  
Patent Owner.

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Case IPR2016-00626  
Patent 8,784,789 B2

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Before LORA M. GREEN, JACQUILINE WRIGHT BONILLA, and  
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

MITCHELL, *Administrative Patent Judge*.

DECISION  
Termination of the Proceeding  
*37 C.F.R. §§ 42.72 and 42.74*

## I. DISCUSSION

On August 9, 2016, the parties filed a Joint Motion to Terminate this case (Paper 10), a true copy of the parties' settlement agreement (Ex. 1035), and a request to treat the settlement agreement as business confidential information and kept separate under 37 C.F.R. § 42.74(c) (Paper 11).

This case is still in its preliminary stages. On February 25, 2016, Petitioner, Mylan Pharmaceuticals, Inc., filed a Petition requesting an *inter partes* review of claims 1–11 of U.S. Patent No. 8,784,789 B2 (Ex. 1001, “the ’789 patent”). Paper 2. Patent Owner, Senju Pharmaceutical Co., Ltd., filed a Preliminary Response in this proceeding. Paper 8. We have not entered a decision on whether to institute an *inter partes* review.

In the Joint Motion to Terminate this case, the parties represent that they have settled all of their disputes regarding the ’789 patent. Paper 10, 2. Specifically, the parties represent that the Confidential Settlement and License Agreement (“Agreement”) “ends all patent disputes between the parties, including this proceeding. Moreover . . . the Agreement resulted in the dismissal of the underlying civil action.” *Id.* at 3. Under these circumstances, we determine that it is appropriate to terminate this case without rendering any further decision. *See* 37 C.F.R. § 42.72.

## II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 1035) as business confidential information under 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this case is GRANTED, and this case is hereby terminated.

IPR2016-00626  
Patent 8,784,789 B2

For PETITIONER:

Jitendra Malik  
Lance Soderstrom  
James Abe  
Joseph Janusz  
ALSTON & BIRD LLP  
[jitty.malik@alston.com](mailto:jitty.malik@alston.com)  
[lance.soderstrom@alston.com](mailto:lance.soderstrom@alston.com)  
[james.abe@alston.com](mailto:james.abe@alston.com)  
[joe.janusz@alston.com](mailto:joe.janusz@alston.com)

For PATENT OWNER:

Bryan Diner  
Justin Hasford  
Joshua Goldberg  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
[bryan.diner@finnegan.com](mailto:bryan.diner@finnegan.com)  
[justin.hasford@finnegan.com](mailto:justin.hasford@finnegan.com)  
[joshua.goldberg@finnegan.com](mailto:joshua.goldberg@finnegan.com)